

**To:** Jill M. Pietrini([trademarksCC@sheppardmullin.com](mailto:trademarksCC@sheppardmullin.com))  
**Subject:** U.S. Trademark Application Serial No. 97450960 - HIP-HOP SHORTIES - 71AK-308425  
**Sent:** April 25, 2023 09:30:53 AM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[97328694](#)  
[screenshot-dictionary-cambridge-org-dictionary-english-hip-hop-16820251357021](#)

**United States Patent and Trademark Office (USPTO)**  
**Office Action (Official Letter) About Applicant's Trademark Application**

**U.S. Application Serial No.** 97450960

**Mark:** HIP-HOP SHORTIES

**Correspondence Address:**

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**Applicant:** Smith, James Todd

**Reference/Docket No.** 71AK-308425

**Correspondence Email Address:** [trademarksCC@sheppardmullin.com](mailto:trademarksCC@sheppardmullin.com)

**NONFINAL OFFICE ACTION**

**Response deadline.** File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

**Request an extension.** For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant's response to this letter within six months of the “Issue date” to avoid abandonment of the application.

**Issue date:** April 25, 2023

**Introduction**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant

must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

### **Summary of Issues**

- Advisory regarding Potential Section 2(d) Refusal - Prior-Filed Application
- Amendment of Identification of Goods and Services Required
- Disclaimer Required

### **Advisory regarding Potential Section 2(d) Refusal - Prior-Filed Application**

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting registered marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02. However, a mark in a prior-filed pending application may present a bar to registration of applicant's mark.

The effective filing date of pending U.S. Application Serial No. 97328694 precedes applicant's filing date of June 9, 2022. *See* attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

While applicant is not required to respond to the issue of the pending application, applicant must respond to the requirement(s) below within the response deadline mentioned above to avoid abandonment.

### **Amendment of Identification of Goods and Services Required**

The wording “Entertainment services, namely, providing an online virtual environment for trading music, art images, video clips, clothing, eyewear, all-purpose carrying bags, backpacks, jewelry, watches, phone accessories, licensed merchandise, footwear, belts, trading cards, home furnishings, health and beauty aids, home electronics, consumer packaged goods, food and beverages, toys and games, furniture, pets, household items, and NFTs”, “Entertainment services, namely, providing online, non-downloadable virtual goods, namely, music, art images, video clips, clothing, eyewear, all-purpose carrying bags, backpacks, jewelry, watches, phone accessories, licensed merchandise, footwear, belts, trading cards, home furnishings, health and beauty aids, home electronics, consumer packaged goods, food and beverages, toys and games, furniture, pets, and household items, authenticated by non-fungible tokens (NFTs)” and “Providing temporary use of non-downloadable digital media, namely, digital assets, digital collectibles, digital tokens, and non-fungible tokens” in the identification of services is indefinite and must be clarified because it does not specify whether the goods and/or services are online, downloadable or non-downloadable. Moreover, applicant must specify the use and/or purpose of the goods and/or services. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Applicant may substitute the following wording, if accurate:

- International Class 041: Entertainment services, namely, providing an online virtual environment for trading **on-line, non-downloadable virtual goods in the nature of music files**, art images, video clips **featuring music concerts**, clothing, eyewear, all-purpose carrying bags, backpacks, jewelry, watches, phone accessories, licensed merchandise, footwear, belts, trading cards, home furnishings, health and beauty aids, home electronics, consumer packaged goods, food and beverages, toys and games, furniture, pets, **and** household items, **for use in virtual environments created for entertainment purposes**; Entertainment services, namely, providing online, non-downloadable virtual goods, namely, music **files**, art images, video clips **featuring music concerts**, clothing, eyewear, all-purpose carrying bags, backpacks, jewelry, watches, phone accessories, licensed merchandise, footwear, belts, trading cards, home furnishings, health and beauty aids, home electronics, consumer packaged goods, food and beverages, toys and games, furniture, pets, and household items for use in virtual environments created for entertainment purposes; Entertainment services, namely, providing online, non-downloadable virtual goods, namely, music **files**, art images, video clips **featuring music concerts**, clothing, eyewear, all-purpose carrying bags, backpacks, jewelry, watches, phone accessories, licensed merchandise, footwear, belts, trading cards, home furnishings, health and beauty aids, home electronics, consumer packaged goods, food and beverages, toys and games, furniture, pets, and household items, authenticated by non-fungible tokens (NFTs) **for use in virtual environments created for entertainment purposes**; Entertainment services, namely, providing virtual environments in which users can interact for recreational, leisure or entertainment purposes; **Entertainment services, namely**, organizing, arranging and conducting virtual music concert events; Entertainment services, namely, providing temporary use of **on-line, non-downloadable digital media**, namely, digital assets **and** digital collectibles **in the nature of online non-downloadable image files containing artwork and online non-downloadable visual and audio recordings featuring music authenticated by non-fungible tokens (NFTs) for use in virtual environments created for entertainment purposes**

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [\*U.S. Acceptable Identification of Goods and Services Manual\*](#). *See* TMEP §1402.04.

### **Disclaimer Required**

Applicant must disclaim the wording "HIP-HOP" because it is merely descriptive of a characteristic and/or feature of applicant's goods and/or services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached evidence from *Cambridge Dictionary* shows this wording means "a type of popular music in which the words are spoken rather than sung and the subject of the songs is often politics or society". Consumers will understand that applicant's music concerts and files consist of hip-hop music. Thus, the wording merely describes applicant's goods and/or services because HIP-HOP describes the type of

music provided by applicant.

Applicant may respond to this issue by submitting a disclaimer in the following format:

**No claim is made to the exclusive right to use “HIP-HOP” apart from the mark as shown.**

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

**Response guidelines.** For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see “[Responding to Office Actions](#)” and the informational [video “Response to Office Action”](#) for more information and tips on responding.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

**How to respond.** File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/Christina Moore/  
Christina Moore  
Examining Attorney  
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Christina.Moore@uspto.gov

## RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant’s ability to timely respond. For help resolving technical issues with TEAS, email [TEAS@uspto.gov](mailto:TEAS@uspto.gov).
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual

applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.

- If needed, **find** [contact information for the supervisor](#) of the office or unit listed in the signature block.

**(4) STANDARD CHARACTER MARK**

**SHORTI**

**Mark Punctuated**

SHORTI

**Translation**

**Goods/Services**

- IC 041. US 100 101 107.G & S: Entertainment services, namely, providing on-line, non-downloadable virtual food and beverage products for use in virtual environments created for entertainment purposes

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

97328694

**Filing Date**

20220324

**Current Filing Basis**

1B

**Original Filing Basis**

1B

**Publication for Opposition Date**

20230404

**Registration Number**

**Date Registered**

**Owner**

(APPLICANT) Wild Goose Holding Co., Inc. CORPORATION DELAWARE 260 West Baltimore Pike Wawa PENNSYLVANIA 19063

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Douglas Panzer

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Meaning of **hip-hop** in English

# hip-hop

noun [ U ]

UK / ˈhɪp.hɒp / US / ˈhɪp.hɑːp /

A2

a type of popular music in which the words are spoken rather than sung and the subject of the songs is often politics or society

## SMART Vocabulary: related words and phrases

### Pop, rock & soul

<a href="#">aglit-pop</a>	<a href="#">anti-rock</a>
<a href="#">backing dancer</a>	<a href="#">backing singer</a>
<a href="#">backspin</a>	<a href="#">disc jockey</a>
<a href="#">DJ</a>	<a href="#">drum and bass</a>
<a href="#">electronica</a>	<a href="#">emo</a>
<a href="#">jukebox</a>	<a href="#">K-pop</a>
<a href="#">lyrically</a>	<a href="#">mod</a>
<a href="#">Motown</a>	<a href="#">New Age music</a>
<a href="#">sampler</a>	<a href="#">top ten</a>
<a href="#">trap music</a>	<a href="#">trip-hop</a>

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WORD OF THE DAY

silhouette

a dark shape seen against a light surface



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(Definition of *hip-hop* from the [Cambridge Advanced Learner's Dictionary & Thesaurus](#) © Cambridge University Press)

+ Examples from literature

**hip-hop** | AMERICAN DICTIONARY

**hip-hop**

*noun* [ U ]

us 🔊 / ˈhɪp ˌhɒp /

a type of popular, African-American music with songs about politics and society, and words spoken rather than sung

(Definition of *hip-hop* from the [Cambridge Academic Content Dictionary](#) © Cambridge University Press)

About this



BLOG

There's bigger fish to fry: talking about things that are not important

April 19, 2023

Read More

EXAMPLES of *hip-hop*

**hip-hop**

Or, should we rather say, is liberated by the *hip-hop* machine?

From the [Cambridge English Corpus](#)

Until now, scholarship has neglected the music of *hip-hop*.



apartment decor


April 17, 2023

More new words

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As it turns out, *hip-hop* is doing quite a lot right, particularly in its hidden theoretical assumptions about cultural dynamics.

From the [Cambridge English Corpus](#)

It is the story of the classical ghost in the *hip-hop* machine.

From the [Cambridge English Corpus](#)

The central compositional process of mixing frequently brings a range of diverse music together in the creation of an original piece of *hip-hop*.

From the [Cambridge English Corpus](#)

The narrator's shocked response to the disparity between the rapper's persona and personal demeanour is a veiled critique of gender realness in *hip-hop*.

From the [Cambridge English Corpus](#)

She refutes the many charges made against *hip-hop* in a well-researched and reasoned manner.

From the [Cambridge English Corpus](#)



The most overriding and enduring criticism levied against rap is, of course, sexism; *hip-hop* has been regarded as a heterosexual, masculine domain.

[From the Cambridge English Corpus](#)

The fact that only 10% used ready-made loops to make music is questionable, given that two-thirds of the respondents were into electronic music or *hip-hop*.

[From the Cambridge English Corpus](#)

Making reference to *hip-hop* and dance music, he suggested that there are different authenticities for different kinds of popular music.

[From the Cambridge English Corpus](#)

How is *hip-hop* culture investigated and to what extent are the researchers involved in these investigations reflexive about their impact on the research findings?

[From the Cambridge English Corpus](#)

From the mid-1980s through the present, *hip-hop* culture continues to shape and reflect the values of

[From the Cambridge English Corpus](#)

Only one of the team members is female, reflecting the gender bias in this area of *hip-hop* as a whole.

[From the Cambridge English Corpus](#)

It verifies how quickly *hip-hop* trends have changed, as well as reinforces how short 'generations' are in popular music.

[From the Cambridge English Corpus](#)

This experience has given me the inspiration to look for spoken word poets who illuminate the influence of rap and *hip-hop* culture on their writing.

[From the Cambridge English Corpus](#)

#### See all examples of hip-hop

These examples are from corpora and from sources on the web. Any opinions in the examples do not represent the opinion of the Cambridge Dictionary editors or of Cambridge University Press or its licensors.

#### Translations of hip-hop

In Chinese (Traditional)

嘻哈音樂（採用說唱形式，主題常涉及政治或社會的一種流行音樂）...

[See more](#)

In Chinese (Simplified)

嘻哈音乐（采用说唱形式，主题常涉及政治或社会的一种流行音乐）...

[See more](#)

In Spanish

hip-hop, hip hop [masculine]...

[See more](#)

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## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on April 25, 2023 for  
**U.S. Trademark Application Serial No. 97450960**

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

### GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.